

REMARKS

This is in response to the office action of August 1, 2009. Claims 1- 11 stand rejected. Claims 1 to 11 remain pending in the application and have been amended to be compliant with U.S. claim format. Reexamination and reconsideration in view of this paper is respectfully requested.

1. Arrangement of Specification

A substitute specification placing the application in better form is provided. Headings have been added.

2. Objection to Abstract.

The abstract is objected to because in line 10 it states "resembling screen printing". Applicant respectfully traverses. Applicant may be his or her own lexicographer. That a step is similar to screen printing is clear to one of ordinary skill.

3. Objection to Citation to Claims

The disclosure is objected to for citation to claims. Appropriate correction has been made to substitute the original claim language for the citation. No new matter has been added.

4. Claim Objection

Claim 2 was objected to. Correction was made.

5, 6. Claim Rejection – 35 U.S.C. 112 and 101

Claims 4, 7, 8, and 11 were rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 101 as providing for the use of a cited process without any steps involved in the process.

Claim 1, from which each of claims 4, 7, 8, and 11 depend, has been amended to conform with the requirements of a process claim. That is, claim 1 has been amended to recite the active steps of (1) cutting the uncoated individual portions, (2) discarding the remaining residual portions of the woven fabric web, (3) providing a sieve having areal fractions, (4) placing the individual portions a support and underneath the sieve and (5) applying the coating composition. For the foregoing reasons, Applicant respectfully requests withdrawal of these rejections.

7, 8 Claim Rejection – 35 U.S.C. 112.

Claims 5, 9, and 10 were further rejected under 35 U.S.C. § 112, first paragraph, for not enabling a transfer printing process (i.e. “a stamp printing, gravure, flexography, etc.”) Claim 1, as amended, recites five separate active steps of (1) cutting uncoated individual portions, (2) discarding residual portions, (3) providing a sieve having areal fractions equal to an area of the individual portions and permeable to a coating composition, (4) placing the individual portions on a support underneath the areal fractions of the sieve, and (5) applying the coating composition to the individual portion. Claims 5, 9, and 10 provide the apparatus for carrying out these steps, namely a cutting station, a coating station, and a heating station. Each of these stations is fully supported within figures 1-3, as well as the specification. As stated in the MPEP 2164.01(b) and 2164.04, a specification need only disclose at least one method and at least one accompanying apparatus for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claims. Failure to disclose other methods by which the claimed invention

may be made does not render a claim invalid under 35 U.S.C. 112. Accordingly, Applicant respectfully asserts that the foregoing rejection of claims 5, 9, and 10 are traversed and respectfully requests allowance of these claims as amended.

9, 10 Claim Rejection – 35 U.S.C. 112

Claims 1, 3, 5, 6, and 9-11, as amended, traverse the rejection under 35 U.S.C. 112, second paragraph. Claim 1 has been amended to remove the term “sheetlike,” which is believed to be redundant. Additionally, with respect to the sieve, this aspect of the invention has been amended to clarify that sieve is comprised of areal fractions wherein only the areal fractions are permeable to the coating composition. Accordingly, Applicant respectfully asserts that the foregoing rejection of claim 1 is traversed.

Claims 3 and 6 have been amended to correct the antecedent basis of “the mass.” This term is defined within the specification as relating to the weight of the coating wherein the “mass” of each coating composition may be specifically adjusted depending upon the size of the individual portion. As such, Applicant respectfully asserts that these claims are clarified and that the appropriate meaning is clearly supported within the specification.

Claims 5 and 9-11 have been amended to recite that the direction of fabric flow is substantially horizontal. Support for these amendments may be found in at least figures 1-3 such that no new matter is being introduced by these claims.

11 – 14. Claim Rejections – 35 U.S.C. 103

Claims 1-3, 5-6, and 9-10 were rejected under 35 U.S.C. § 103(a) as obvious over Menzel (U.S. Patent No. 5,110,666) alone or further in view of Tanase (U.S. Patent Application No. 2002/0017775). Menzel was argued as teaching each of the claim limitations of these claims. Applicant, however, respectfully submits that Menzel does not teach or even suggest that individual portions of a woven fabric may be cut and removed prior to coating, as with the present claims. Menzel only relates to a method producing a fabric structure for an air bag where the woven fabric is coated before being cut. Menzel, indeed, states at least three different reasons why cutting the fabric before coating is undesirable and problematic to the overall production process. (*See* col. 1, ln. 59 – col. 2, ln. 7) Again, as its solution to these problems, Menzel suggests that the fabric first be coated such that the resulting product is “lightweight, foldable and cuttable.” (*See* col. 3, lns. 32-34). The present claims are completely opposite to that of Menzel in clearly requiring that the fabric is first cut, with the resulting individual portions being isolated and coated. Such process steps were said to overcome wasteful use of the coating composition that was known in the art and result in a reduction in production costs.

In *KSR v. Teleflex*, the U.S. Supreme Court stated that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.” *KSR Int’l, Co. v. Teleflex, Inc.* 127 S.Ct. 1727, 1740 (2007). In conjunction with the holding in *KSR*, the MPEP specifically states that a proposed modification of a prior art reference cannot render the prior art invention unsatisfactory for its intended purpose or change the principle of operation of the reference. (*See* MPEP 2143.01 V and VI) In the present case, as provided above, Menzel clearly teaches away from any combination of elements where the fabric is first cut then coated. Rather, Menzel requires that the fabric first be coated then cut to overcome problems in the art. Modification of Menzel to account for the steps

of the present claims, thereby, renders it unsatisfactory for its intended purpose. Accordingly, the present invention is nonobvious in view of Menzel because it teaches a successful process that Menzel taught as problematic.

While it was argued that Menzel teaches that precutting woven fabric before the coating step was perhaps known, Menzel only provides that the die cut uncoated fabric tends to fray. (*See* col. 1, lns. 47-55) Nothing within these cited paragraphs indicates that the woven fabric is cut, removed from the residual fabric and then coated. One could not infer such steps from Menzel without the aid of hindsight bias. The present invention, again, provides that the step of removing the residual fabric from the individual portions cut was not known in the art and is important to the invention, as it provides a method of reducing waste within the overall system and reduces production costs.

Tanase does not assist Menzel in this regard. Tanase, in a fleeting discussion of its process of manufacture, provides only that the woven fabric of the air bag may be “cut into a predetermined shape, bored to form mount holes **16a**, coated to form a coating layer, and folded by a folding machine.” (*See* ¶ [0052]) There is nothing to teach or suggest that individual portions of woven fabric are cut and physically extracted from the remaining unused woven fabric prior to the coating step, as claimed in the present invention.

Even in view of this, Applicants further challenge that Menzel and Tanase are combinable references. As discussed above, a proposed modification of a prior art reference cannot render the prior art invention unsatisfactory for its intended purpose. (*See also* MPEP 2143.01) Menzel teaches a process that requires first coating a woven fabric before cutting it. Tanase provides the exact opposite. Thus, to combine the divergent teachings of Tanase with Menzel renders the invention of Menzel unsatisfactory for its intended purpose.

As provided above, neither Menzel nor Tanase teaches that a woven fabric may be cut and actually removed from the residual fabric before being coated. For at least these reasons, these two references fail to account for all elements of the present claims and fail to support a *prima facie* case of obviousness. Applicant, thereby, respectfully requests that the rejection of these claims be withdrawn and the claims allowed in their presently amended form.

Conclusion

As provided above, the presently amended specification and claims overcome each of the objections and rejections of presently pending claims 1-11. Applicant, thereby, contends that this application is in a condition for allowance and an early notice to this effect is earnestly solicited. Should the Examiner have any questions or comments with respect to this response, it is respectfully requested that the Examiner telephone the undersigned at (215) 299- 2772 to discuss.

To the extent there are any fees required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, including extension fees, the Commissioner is authorized to charge all such fees to Deposit Account 50-1943.

Respectfully submitted,
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